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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,741	08/08/2001	Mark D. Seaman	10010165-1	2927

7590 03/24/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,741

Applicant(s)

SEAMAN ET AL.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a Non-Final Office Action following the RCE-Amendment of January 09, 2006.
2. The Examiner acknowledges the new added claims 15-17.
3. Claims 1-17 were presented for examination following the RCE-Amendment of January 09, 2006, of which Claim 1, 8 and 13 are Independent.
4. Claims 1-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the 101 rejections.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after the Office Action rejection of October 04, 2005. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 09, 2006 has been entered.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding independent claims 1 and 8, the condition word "if" renders the claims indefinite because it is unclear whether the limitation(s) following the word are part of the claimed invention or not. Like for example, what if the determination has found a match, then the limitations following the "if" shall contain no patentable weight and the Examiner does not even required to address them. Please See MPEP § 2173.05(d). The Examiner respectfully suggests a replacement for the word "if" with the word "upon" such as the case with Independent Claim No. 13.

Dependent claims 2-7, 9-12 and 15-16 inherent the deficiencies of their respective independent claims. Hence, they are also rejected.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. The claimed invention as in Claims 8-12 and 16 are directed to non-statutory subject matter.

The Specification of the current application, such as on Page 7, Lines 9-13 claims a medium of "paper" which is non-statutory. Printing text of code on a paper, whether it can be scanned by a computer or not is directed towards copyright material and not towards Patentable subject matter. Appropriate correction to the Specification is requested.

Allowable Subject Matter

10. Claims 1-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the 101 rejections, set forth in this Office action.

11. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Independent Claims 1, 8 and 13 Applicant's particular method and associated system for synchronizing data sets between tow environments is wherein no determination is made in regard to a match between a captured data set and a stored data set based on a probability calculation and further determination whether any captured data set and stored data set having the same first attribute have the same second and third data attribute and wherein the probability calculation is updated based upon the determination involving the second and third data attributes in combination with the other limitations of the claims, was not disclosed by, would not have been

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obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art, the prior art fails to anticipate or render Applicant's limitations above obvious.

Dependent Claims 2-7 and 15 being further limiting to independent Claim 1; dependent Claims 9-12 and 16 being further limiting to independent Claim 8; and dependent Claims 14 and 17 being further limiting to independent Claim 13; definite and enabled by the Specification would also be allowed if their respective independent claims were rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the 101 rejections, set forth in this Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Points of Contact

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

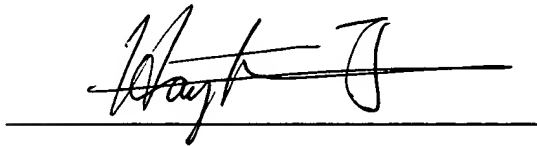
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached at (571) 272-3642.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

A handwritten signature in black ink, appearing to read "Hayt J", is written over a horizontal line.

Patent Examiner
Technology Center 2100
Art Unit 2168

A handwritten signature in black ink, appearing to read "Tim Vo", is written.

TIM VO
PRIMARY EXAMINER